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EXAMINER				
GUPTA, MUKTESH G				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/787,459

Applicant(s)

SHIGA ET AL.

Examiner

Muktesh G. Gupta

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Amendments received on 07/29/2008 have been entered.

Claim 1 and 8 are amended.

Claims 1-13 have been examined on merits and are pending in this application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/29/2008 has been entered.

Response to Arguments

3. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.
 - a. Applicant's arguments with respect to **Claim 1** have been considered but are moot in view of the new ground(s) of rejection.
 - b. Applicant's arguments and amendments filed on 07/29/2008 have been carefully considered but they are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment to the claims "matching condition registration,

received from first and second apparatus” is amended to reflect instead of first to second user’s presence”, similarly instead of “second user to first user’s presence” and deciding updated first user’s presence”, which significantly affected the scope thereof.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6401085 to Gershman et al., (hereinafter “Gershman”), as applied to **Claims 1-13** and further in view of US Patent Application Publication No. 20030228842 to Heinonen, Tomi et al., (herein after “Heinonen”).

a. *Regarding **Claims 1-3, 6-26 and 29-50** Gershman discloses substantially the invention as claimed. Gershman does not explicitly disclose registering a matching condition for another user's presence including the second user's presence received from the first apparatus and designated by the first user and a matching condition for another user's presence including the first user's presence received from the second apparatus and designated by the second user.*

b. Gershman discloses (as stated in col. 14, lines 34-39, col. 18, lines 15-16, col. 43, lines 45-53, lines 22-44, col. 49, lines 7-21, FIGS. 3 to 6 detail the logic for the entire program, the parsing unit, the pattern matching unit and the search unit respectively. FIG. 6 details the logic determinative of data flow of key information through BackgroundFinder and shows the functions that are responsible for creating or processing such information. FIG. 4 is a detailed flowchart of pattern matching in accordance with a preferred embodiment. This system provides one central storage place for a person's profile. This storage place is a server available through the public Internet, accessible by any device that is connected to the Internet and has appropriate access. Because of the ubiquitous accessibility of the profile, numerous access devices can be used to customize services for the user based on his profile. For example, FIG. 16 describes the algorithm for determining the personalized product ratings for a user. When the user requests a product report 1610 for product X, the algorithm retrieves the profiles 1620 from the profile database 1630 (which includes product ratings) of those users who have previously rated that product. Then the system retrieves the default thresholds 1640 for the profile matching algorithm from the content database 1650. It then maps all of the short list of users along several dimensions specified in the profile matching algorithm 1660. The top n (specified previously as a threshold variable) nearest neighbors are then determined and a test is performed to decide if they are within distance y (also specified previously as a threshold variable) of the user's profile in the set 1670

using the results from the profile matching algorithm. If they are not within the threshold, then the threshold variables are relaxed 1680, and the test is run again. This processing is repeated until the test returns true. The product ratings from the smaller set of n nearest neighbors are then used to determine a number of product statistics 1690 along several dimensions. Those statistics are inserted into a product report template 1695 and returned to the user 1697 as a product report. Personalization of information based not only on a static user profile, but also by taking into account history of the user interactions and current real-time situation including "who, where, and when" awareness.

c. Heinonen does disclose, (as stated in par. 0015-0021, par. 0047, par. 0085-0089, In one aspect, an Access Point describes and stores content and services in terms of keywords and types in a list available from the Access Point or within outside networks connected to the Access point, and providing the content and/or services to a requesting terminal having keywords and types which match the keywords and types in the terminal within the Service Discovery Protocol and during connection set-up. In the ad hoc network 109 of FIG. 1, the user's terminal 101 sends inquiries to other Bluetooth devices in the area, such as the access point 125. The inquiring device (i.e., the user's terminal 101) periodically transmits inquiry packets. The general inquiry access code (GIAC) of the packet is recognized by all Bluetooth devices as an inquiry message. During the inquiry procedure, any other Bluetooth devices that are in the inquiry scan state, such as the access point 125, are scanning for the receipt of inquiry

packets. If the access point 125 in the inquiry scan state receives the inquiry packet with a matching IAC, it will respond with an inquiry response packet that has sufficient information to enable the user's terminal 101 to build its inquiry response table of essential information required to make a connection. Any Bluetooth device recognizing the inquiry packet can respond. The resulting invention enables the user of a wireless, mobile terminal to install a personalized user profile in his/her terminal and to update that profile in real time. For example, the invention enables a sales representative to update his/her virtual business card in real time to match the perceived interests of a potential customer. As another example in a dating/match-making scenario, during a chance meeting involving the exchange of virtual business cards, the user may can modify his/her personal interest information in real time, to match the perceived interests of the other user. In another alternate embodiment of the intention, the user's short-range wireless terminal can share information in its personal profile with the inquiring wireless terminal, if their respective user profiles match within a predefined tolerance. In another alternate embodiment of the intention, the user's short-range wireless terminal can share the general information portion of his/her local user profile with another short-range wireless terminal, if their respective user profiles have a first level of close matching. If their respective user profiles have a second level of closer matching, the two terminals can further share more detailed information in their respective user profiles.

d. *It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gershman's intelligent information delivery system which through profile matching algorithm and support for several channels of information delivery, it facilitates delivery of information whenever and wherever a user requires the information, delivers personalization of information based not only on a static user profile, but also by taking into account history of the user interactions and current real-time situation including "who, where, and when" awareness, to Heinonen's system where user's wireless terminal can share the general information portion of his/her local user profile with another wireless terminal, if their respective user profiles have a first level of close matching. If their respective user profiles have a second level of closer matching, the two terminals can further share more detailed information in their respective user profiles.*

e. *The motivation would have been for an effective and particularly for a way to more efficiently utilize various communication protocols, resources, where wireless, mobile terminal containing personalized user profiles that are installed, edited by and managed by the user on the user's mobile terminal, the profiles containing a list(s) of content and services of interest to the user, which provides personal profile sharing for wireless, mobile terminals in ad hoc networks and enables the user to obtain information regarding content, information about other users connected to the same access point and services offered by the Access*

Point by matching Keywords and Types in the list with information in the user profile.

f. Therefore, it would have been obvious to combine these two references of Gershman's and Heinonen's disclosures in light of providing system, method and program which efficiently integrates multiple profiles, matches profiles, services, optimizes, coordinates and processes at the back end to, provide unified and interactive Access Point pushing information to the terminal where the pushed information matches the content and services described in the list contained in the profile of the user's mobile device.

*Together Gershman and Heinonen disclosed all limitations of **Claims 1-13** and hence are rejected under 35 U.S.C. 103(a).*

***As to Claims 1-2 and 8,** Gershman teaches active knowledge management system consisting, information delivery system and presence management apparatus connected to a first apparatus and a second apparatus via a network, the presence management apparatus comprising (as stated in col. 47, lines 11-14, col. 48, lines 59-67, col. 49, lines 1-19, and col. 60, lines 50-67, Active Knowledge Management System, users using Electronic Valet/Awareness Machines (presence management apparatus) which are integrated with PDA and sensor GPS, and are connected to Mobile Portal Platform through internet or extranet (network), running Active Knowledge Management System Application which support several channels of information delivery*

to the users of Electronic Valets taking into account history of the users interactions and current real-time situation including "who, where, and when" awareness):

presence update means for updating a first user's presence received from the first apparatus and a second user's presence received from the second apparatus, wherein the first user uses the first apparatus and the second user uses the second apparatus (as stated in col. 60, lines 50-67 col. 61, lines 1-19, and col. 61, lines 44-51, Electronic Valet receives input data from sensors GPS (presence update means). The Client application executing on Electronic Valet forms a message based on the data received and the user input and then transmits the message to the Mobile Portal, which parses the message and forms a new message based on the content of the message received and then transmits the new message back to the Electronic Valet which formats and displays the data received. Thus Mobile portal updates location specific to the users of Electronic Valet for that specific location, similarly other users location is updated who is using other Electronic Valet);

matching condition registration means for registering a matching condition for another user's presence including the second user's presence received from the first apparatus and designated by the first user and a matching condition for another user's presence including the first user's presence received from the second apparatus and designated by the second user (as stated in col. 62, lines 2-4, lines 25-30, lines 35-40, lines 60-67, when a user (first) with Electronic Valet (apparatus) visits a mall with goal specified for shopping with shopping list , queries the system to suggest a store/retailer (second user) at any time based on their current location (presence). In browse mode

the system suggests items of interest for sale in the stores currently closest to the shopper, user (first). System operates as bi-directional channels and displays a list with the store name the specific items available and their prices. A map of the mall displays the shopper's, user (first) current location and the precise location of the store/retailers (second user) that are both users of the system and are registered with system);

and matching decision means of bidirectional matching, decision between the first and second users for deciding if the updated first user's presence matches the matching condition designated by the second user and the second user's presence matches the registered matching condition designated by the first user when the matching condition registration means performs matching condition registration processing or the presence update means performs. presence updates processing, for the first user (as stated in col. 46, lines 22-40, col. 61, lines 65-67, col. 62, lines 14-15, lines 48-67, Event Backgrounder of the shopper's (first user) is constantly updated with the latest information to provide the most up-to-date information about an event, drawing from a number of resources, such as user's calendar, contact lists, Pertinent information such as itinerary and logistics and other useful information, such as people the user knows who might be in the same location, are also included to allow the user to react optimally in a given situation. When a user of Electronic Valet (apparatus) is in the Mall for Shopping, an item is considered to be of interest if it matches the categories entered in the goals screen of the shopper's (first user) Electronic Valet (apparatus). The stores/retailers (second user) in the mall have online catalogs with item prices and which are registered with the system database. Intelligent agents of the system are

utilized to conduct research, execute transactions and provide advice for shopper's (first user) goals and preferences. If an item displayed is selected by the shopper (first user) while browsing, Intelligent agents search and match from the database of the stores/retailers (second user) on-line catalogs for the items on shoppers shopping list, and the system alerts (notification) the shopper to the local stores/retailers (second user) offering the product for the lowest price, or announces the best local price);

matching notification means for notifying the first and/or the second apparatus that, if the matching decision means decides that the first and second user's presences are coincident with the matching conditions designated by the second and first users, respectively, a match has occurred (as stated in col.62, lines 65-67 and col. 63, line 1-2, col. 46, lines 22-40, at discretion of shopper's (first apparatus user), intelligent agent provide information to stores/retailers (second user) as well, who, in turn, responds (notification) with a customized offer that bundles service along with the product to the shopper (first apparatus user). Vicinity Friend Finder looks for opportunities to tell the user when a friend, family member or acquaintance is or is going to be in the same vicinity as the user. This software scans the user's calendar for upcoming events. It then uses a geographic map to compare and match those calendar events with the calendar events of people who are listed in his contact list. It then informs the user of any matches, thus telling the user that someone (other users) is scheduled to be near him at a particular time).

As to Claims 3 and 9, Gershman teaches active knowledge management system consisting, information delivery system and presence management apparatus according to claims 1 and 8,

wherein, the matching condition registered by the matching condition registration means of the presence management apparatus includes a combination of a logical sum and/or a logical product of a condition for two or more presences (as stated in col.18, lines 15-20, col. 14, lines 20-24, col. 37, lines 6-11, col. 37, lines 32-35 and col. 28, lines 39-41, FIG. 4 is a detailed flowchart of pattern matching. FIG. 7 provides more detail on creating the query. Processing commences at function block 710 where invokes GoBF which is responsible for logical processing associated with wrapping the correct search query information for the particular target, record is parsed to obtain potential match based on location and time. Depending on type of placeholder, we have specific requirements and different binding criteria (matching condition), specified in the functions BindName, BindTime, BindCompanyLocTopic. If binding is successful we add it to our record, by associating a value with a placeholder, a decision is made on what material to transmit to the file for ultimate consumption by the user).

As to Claims 4 and 10, Gershman teaches active knowledge management system consisting, information delivery system and presence management apparatus according to claims 1 and 8,

wherein, for use when it is decided that the first user's presence matches the matching condition designated by the second user, the matching decision means of the

presence management apparatus comprises matching candidate storage means for storing therein an identifier of the first user and an identifier of the second user as one of matching candidates and (as stated in col. 41, lines 51-55, user table 1310 contains a record for each user who has an account in the system. This table contains a unique identifier of the user and one central storage place for a person's profile. The profile gateway server 1720 receives all requests for profile information, from other system users or merchants trying to provide a service to the user based on the location of the user.

wherein, if it is decided that the second user's presence matches the matching condition designated by the first user, the matching decision means of the presence management apparatus searches the matching candidates, stored in the matching candidate storage means, to decide if the first user's presence already matches the matching condition designated by the second user (as stated in preceding paragraphs and col. 41, lines 51-55, col. 43, lines 22-48, FIG. 16 describes the algorithm for determining the personalized product ratings for a user. When the user requests a product report 1610 for product X, the algorithm retrieves the profiles 1620 from the profile database 1630 (which includes product ratings) of those users who have previously rated that product).

As to Claims 5-6 and 11-12, *Gershman teaches active knowledge management system consisting, information delivery system and presence management apparatus according to claims 4 and 10,*

wherein, if it is decided that the first user's presence does not match the matching condition designated by the second user, the matching decision means of the presence management apparatus registers the identifier of the first user and the identifier of the second user as a matching candidate (as stated in col. 41, lines 51-55, col. 43, lines 22-48, system retrieves the default thresholds 1640 for the profile matching algorithm from the content database 1650);

if it is decided that the first user's presence matches the matching condition designated by the second user, the matching decision means of the presence management apparatus decides that the both matching conditions are satisfied (as stated in preceding paragraphs and col. 41, lines 51-55, col. 43, lines 22-48, system retrieves the default thresholds 1640 for the profile matching algorithm from the content database 1650. It then maps all of the short list of users along several dimensions specified in the profile-matching algorithm 1660. The top n, nearest neighbors is then determined and a test is performed to decide if they are within distance y of the user's profile in the set 1670 using the results from the profile-matching algorithm. If they are not within the threshold, then the threshold variables are relaxed 1680, and the test is run again. This processing is repeated until the test returns true. The product ratings from the smaller set of n nearest neighbors are then used to determine a number of product statistics 1690 along several dimensions. Those statistics are inserted into a product report template 1695 and returned to the user 1697 as a product report).

As to Claims 7 and 13, *Gershman teaches active knowledge management system consisting, information delivery system and presence management apparatus according to claims 4 and 10,*

wherein, for the first user and the second user whose identifiers are stored as the matching candidates, the matching decision means of the presence management apparatus decides if the first user's presence matches the matching condition designated by the second user and, if it is decided that they do not match, deletes the identifier of the first user and the identifier of the second user from the matching candidate storage means (as stated in col.47, lines 42-51, col. 48 lines15-32, Intelligent Agent Coordinator 2580 of FIG. 25 is also the user's interface to the system. Intelligent Agent Coordinator performs primary responsibilities of monitoring user activities, handling information requests, maintaining each user's profile, and routing information to and from users and to and from the other respective agents. In order to protect the data contained in the profiles, the Intelligent Agent Coordinator must handle all user information requests and constantly modifying and updating these profiles by watching the user's activities and attempting to learn the patterns of their lives in order to assist in the more routine, mundane tasks. Intelligent Agent Coordinator's observations are that it also tries to determine where each user is physically located throughout the day for routing purposes).

Remarks

5. The following pertaining arts are discovered and not used in this office action. Office reserves the right to use these arts in later actions.

- a. Fano; Andrew E. et al. (US 6957393 B2) Mobile valet
- b. Salmenkaita; Jukka-Pekka et al. (US 7072886 B2) Method and business process to maintain privacy in distributed recommendation systems
- c. Karhu; Mika (US 7379958 B2) Automatic and dynamic service information delivery from service providers to data terminals in an access point network

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muktesh G. Gupta whose telephone number is 571-270-5011. The examiner can normally be reached on Monday-Friday, 8:00 a.m. -5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MG

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444